House File 2039 - Introduced

HOUSE FILE 2039 BY RIZER

A BILL FOR

- 1 An Act relating to the mandatory disclosure of certain mental
- 2 health information by a health care provider.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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- 1 Section 1. <u>NEW SECTION</u>. 228.6A Mandatory disclosure and 2 civil commitment process health care providers immunity.
- 3 1. For purposes of this section:
- 4 a. "Health care provider" means a person licensed under
- 5 chapter 148, 148C, or 152, or a mental health professional as
- 6 defined in section 228.1.
- 7 b. "Immediate family member" means a spouse; natural or
- 8 adoptive parent, child, or sibling; or stepparent, stepchild,
- 9 or stepsibling.
- 10 2. If a health care provider, while providing care
- 11 and treatment to a person eighteen years of age or older,
- 12 determines that such person is likely to seriously physically
- 13 injure the person's self as manifested by threats of, or
- 14 attempts at, suicide or serious physical injury, the health
- 15 care provider shall provide the person's immediate family
- 16 member, upon request of the person's immediate family member,
- 17 with information relating to the involuntary civil commitment
- 18 process established under chapter 229.
- 19 3. A health care provider who discloses information
- 20 pursuant to this section, acting reasonably and in good
- 21 faith, shall be immune with respect to all civil or criminal
- 22 penalties, claims, or actions of any kind.
- 23 EXPLANATION
- 24 The inclusion of this explanation does not constitute agreement with
- 25 the explanation's substance by the members of the general assembly.
- 26 This bill relates to the mandatory disclosure of certain
- 27 mental health information by a health care provider.
- The bill provides that a health care provider, while
- 29 providing care and treatment to a person 18 years of age or
- 30 older, who determines that such person is likely to seriously
- 31 physically injure the person's self as manifested by threats
- 32 of, or attempts at, suicide or serious physical injury, is
- 33 required to provide the person's immediate family member,
- 34 upon request of the person's immediate family member, with
- 35 information relating to the involuntary civil commitment

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- 1 process established under Code chapter 229. The bill provides
- 2 that a health care provider who discloses such information,
- 3 reasonably and in good faith, is immune with respect to all
- 4 civil or criminal penalties, claims, or actions of any kind.
- 5 The bill defines "health care provider" as a person licensed
- 6 under Code chapter 148 (medical doctors and osteopathic
- 7 doctors), 148C (physician assistants), 152 (nurses including
- 8 advanced registered nurse practitioners), or a mental health
- 9 professional as defined in Code section 228.1. The bill
- 10 defines "immediate family member" as a spouse; natural or
- 11 adoptive parent, child, or sibling; or stepparent, stepchild,
- 12 or stepsibling.